

REMARKS

Claims 1-36 are pending. By this Amendment, claims 1-3, 9-10, and 20 are cancelled, claims 4-6, 11-13, 16-19 and 30 are amended, and claims 37-51 are added. Following entry of this Amendment, forty-five (45) claims will be pending (claims 4-8, 11-19, and 21-51), of which four (4) are independent (claims 12, 19, 30, and 37). No new matter will be incorporated into the present application by entry of this Amendment. If the Office determines that any additional fees are deemed to be necessary with the filing of this Amendment, then the Office is authorized and requested to charge such fees to Deposit Account No. 061910.

The present Amendment is being filed with a view toward obtaining the allowance of claims at the earliest possible date. Applicant maintains that the original claims are patentably distinct over the cited art. Therefore, Applicant expressly reserves the right to pursue the original claims and/or other similar claims in further prosecution.

In the present Office Action, the Examiner: rejected claims 4-18 under 35 U.S.C. 112, second paragraph as being indefinite; rejected claims 1-11, 13-15 and 18 under 35 U.S.C. 102(b) as being anticipated by USPN 3,731,184 to Goldberg et al.; rejected claims 4, 19-29, 31-33 and 36 under 35 U.S.C. 103(a) as being unpatentable over Goldberg; indicated that claims 12 and 30 are objected to as being dependant on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner has rejected claims 4-18 under 35 U.S.C. 112, second paragraph. Claims 9-10 have been cancelled and claims 4-8 and 11-18 have been amended. Applicant believes amended claims 4-8 and 11-18 are in compliance with 35 U.S.C. 112, second paragraph and the Examiner is respectfully requested to withdraw the rejection.

The Examiner rejected claims 1-11, 13-15 and 18 under 102(b) as being anticipated to Goldberg. Claims 1-3, 9-10 have been cancelled and claims 4-8, 11, 13-15 and 18 have been amended to depend on new claim 37, thereby rendering the Examiner's 102(b) rejections moot.

The Examiner rejected claims 4, 19-29, 31-33 and 36 under 103(a) as being unpatentable over Goldberg. Claims 4 has been amended to depend on new claim 37 and claim 19 has been amended, thereby rendering the Examiner's 103(a) rejection moot.

In addition, independent claim 19 has been amended to provide a conductive coil means comprising electrically conductive loops that are *equally spaced* on a flexible substrate and are conductive *in series* so that a single voltage is measured. Goldberg does not recite connecting the "pick-up coils" in series so that a single voltage is measured, or equally spacing the "pick up coils" on a flexible substrate. Furthermore, Goldberg discloses "formulas for a plurality of coils as would be employed for the measurement of volume" but does not recite connecting the electrical loops in series in order to generate a single voltage reading to substantially reduce system complexity. Thus, Applicant believes claim 19 and claims depending therefrom to be patentable for these reasons.

Claims 12 and 30 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 12 and 30 have been amended as suggested by the Examiner and should now be in condition for allowance.

New claims 37-53 have been added. Independent claim 37 provides a current generating means for selectively providing *constant* alternating current to substantially increase the accuracy of the measurement system. Again, nowhere does Goldberg disclose using a constant

current for energizing the “pick up coils” or “field coils”. Thus, Applicant believes claim 37 and claims depending therefrom to be patentable for these reasons.

New Independent claim 52 has been amended to provide conductive coil means configured tightly about the various circumferences of at least one portion of the mammal wherein the conductive coil means are electrically connected *in series*. Goldberg does not recite connecting the “pick-up coils” in series so that a single voltage is measured. Thus, Applicant believes claim 52 and claims depending therefrom to be patentable for these reasons.

New independent claim 53 has been amended to provide conductive coil means configured tightly about the various circumferences of at least one portion of the mammal, wherein the conductive coil means comprises electrically conductive coil loops that are *equally spaced* on a flexible substrate that is suitable for wearing by the mammal, wherein the conductive coil means are electrically connected *in series*. Again, Goldberg does not recite connecting the “pick-up coils” in series so that a single voltage is measured, or equally spacing the “pick up coils” on a flexible substrate. Independent claim 53 also provides a current generating means for selectively providing constant alternating current to either one of the conductive coil means or the fixed coil means. Nowhere does Goldberg disclose using a constant current for energizing the “pick up coils” or “field coils”. Thus, Applicant believes claim 53 and claims depending therefrom to be patentable for these reasons.

In view of the foregoing, it is submitted that this Application is in condition for allowance and favorable consideration and prompt allowance are respectfully requested. The Examiner is invited to telephone the undersigned if useful to advance prosecution.

Respectfully submitted,

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Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.

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December 14, 2004
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